



James A. Diossa

Rhode Island General Treasurer

January 13, 2025

RE: *Implementation of and Compliance with R.I. Gen. Laws § 42-7.2-20.9*

MEMORANDUM

First enacted in 2015, the Achieving a Better Life Experience (“ABLE”) Act is intended to ease financial strains faced by individuals with disabilities by making tax-free savings accounts available for qualified disability expenses. R.I. Gen. Laws § 42-7.2-20.1 (creating ABLE accounts with federal authorization). Through this account, a qualified beneficiary can deposit funds and receive third-party contributions without impacting eligibility for state and federal public assistance programs.

This past legislative session, the General Assembly passed legislation aimed at expanding Program awareness and access by requiring local education authorities (“LEAs”) to distribute information about the ABLE Program to the families of children with an individualized education program (“IEP”). This statutory mandate casts an intentionally wide net. Not every individual with an IEP will qualify for ABLE. However, an individual who qualifies for ABLE is highly likely to have an IEP.¹ To aid in implementation of and compliance with this new requirement, Treasury is providing the following policy guidance to LEAs.

POLICY – Local Education Authorities (“LEAs”) must distribute ABLE program materials at least once annually to the parents or guardian of children with the following disability categories, as defined by the Individual with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, and applicable state regulations:

- Intellectual disabilities
- Traumatic Brain Injury
- Autism
- Specific learning disabilities

LEAs shall have the discretion in providing ABLE program materials annually to individuals within the disability categories, as defined by the Individual with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, and applicable state regulations, that are not included in the list above.

In exercising this discretion, LEAs shall give due consideration to: (1) whether the individual is known to receive Social Security Disability Insurance; and (2) whether the individual is permanently disabled.

Nothing in this policy shall prohibit a Local Education Authority from distributing ABLE materials to all students with an individualized education program, or students with other disability classifications.

¹ An individual is considered “disabled” under the ABLE Act if the individual is entitled to benefits based on blindness or disability under the Social Security Act or has a disability certification filed with the federal Secretary of Treasury, and the disability manifested itself before age 46. *See* R.I. Gen. Laws § 42-7.2-20.2 (7) (adopting the definition under 26 U.S.C. § 529A).